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October 30, 2006

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Karen Majcher  
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Piscataway, NY 08854

**Re: Designation of the Wireless Division of the American Samoa Telecommunications Authority as an Eligible Telecommunications Carrier**

Dear Ms. Majcher:

I am writing on behalf of the American Samoa Telecommunications Authority (“ASTCA”) to transmit an order of the Telecommunications Regulatory Commissioner clarifying that ASTCA’s wireless unit is designated as an Eligible Telecommunications Carrier (“ETC”) throughout the territory of American Samoa. Governor Togiola T.A. Tulafono issued Executive Order No. 007-2006 (attached) on Sept. 29, 2006. The Governor of American Samoa serves as the Telecommunications Regulatory Commissioner (“TRC”) for the territory.

ASTCA is comprised of two separate operational divisions: (i) a unit that provides wireline telephone service as an incumbent local exchange carrier (“ASTCA LEC”); and (ii) a unit that provides mobile wireless, long distance, and other non-regulated services (“ASTCA IXC”). Executive Order No. 007-2006 recognizes that ASTCA IXC is a separate and distinct operating entity, and clarifies that ASTCA IXC -- as well as ASTCA LEC -- qualifies as an ETC throughout American Samoa.

The TRC had previously designated ASTCA as an ETC with respect to its ILEC operations. In 1997, Governor Tauese P.F. Sunia issued an order concluding that American Samoa Office of Communications (“ASOC”) satisfied the ETC criteria throughout American Samoa, and designating ASOC as an ETC. *See* Executive Order No. 13-1997 (issued Dec. 1, 1997). Subsequently, ASOC (a government agency) was reorganized to form ASTCA, a government-owned entity that operates independently with its own board of directors. Governor Sunia issued Executive Order No. 11-1998 (issued April 20, 1998) to amend the earlier order and to confirm

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ASTCA's designation as an ETC. Copies of Executive Orders Nos. 13-1997 and 11-1998 are attached.

From 1998 through the present, ASTCA LEC has provided the services and functionalities included in universal service as an ETC, and has received high-cost support with respect to its wireline ILEC telephone lines throughout the territory. ASTCA LEC also has provided Lifeline/Link-Up service to low-income consumers throughout the territory and has received low-income support accordingly. However, to date, ASTCA IXC has never requested or received high-cost or low-income support with respect to its wireless customer base.

Executive Order No. 007-2006 clarifies that ASTCA IXC is qualified to operate as an ETC with respect to its wireless lines throughout American Samoa. Accordingly, we respectfully transmit this designation order to enable a new study area to be established for ASTCA IXC as a wireless competitive ETC ("CETC") in the territory of American Samoa.

Please contact me if you have any questions about this matter.

Thank you very much.

Respectfully submitted,



David L. Sieradzki  
Counsel to the American Samoa  
Telecommunications Authority

cc: CC Docket No. 96-45 and WC Docket No. 05-337

Enclosures



## OFFICE OF THE GOVERNOR

TOGIOLA T.A. TULAFONO  
GOVERNOR

*Pago Pago, American Samoa 96799*

FAOA IPULASI A. SUNIA  
LIEUTENANT GOVERNOR

29 September 2006

## EXECUTIVE ORDER No. 007-2006

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### AMENDING EXECUTIVE ORDER NO. 13-1997 & EXECUTIVE ORDER NO. 11-1998

#### SECTION 1. AUTHORITY

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution, Title 12 ASAC, Chapter 06, and Sections 3, 214 and 254 of the federal Communications Act of 1934, as amended hereinafter referred to as the "Communications Act."

#### SECTION 2. PURPOSE

Executive Order No. 13-1997 designated the former American Samoa Office of Communications [ASOC] as an eligible telecommunications carrier pursuant to Section 214 of the Communications Act for the receipt of federal universal service support. Executive Order No. 11-1998 made all of the findings with respect to the designation of ASOC as an eligible telecommunications carrier in Executive Order No. 13-1997 applicable to the American Samoa Telecommunications Authority ("ASTCA"). (Executive Order No. 2-1998 transferred all functions of ASOC to ASTCA.) The purpose of this Order is to clarify that ASTCA is comprised of two distinct divisions, to wit: the Local Exchange Carrier Division ("ASTCA LEC") and the Interexchange Carrier Division ("ASTCA IXC"). (ASTCA IXC is comprised of ASTCA's cellular, long distance and internet services.)

#### SECTION 3. FINDINGS

I hereby find that ASTCA is comprised of two distinct divisions, to wit: the Local Exchange Carrier Division ("ASTCA LEC") and the Interexchange Carrier Division ("ASTCA IXC"). (ASTCA IXC is comprised of ASTCA's cellular, long distance and internet services.)

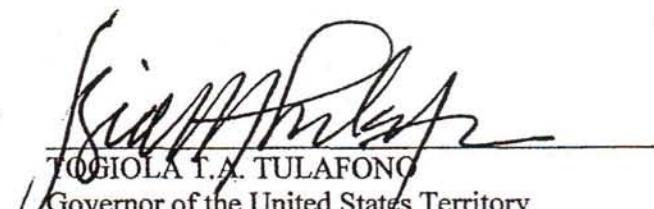
**SECTION 4. ORDER**

I hereby order that ASTCA's designation as an eligible telecommunications carrier as set forth in Executive Orders No. 11-1998 and No. 13-1997 be clarified to show that ASTCA is comprised of two distinct divisions, to wit: the Local Exchange Carrier Division ("ASTCA LEC") and the Interexchange Carrier Division ("ASTCA IXC"). ASTCA IXC is comprised of ASTCA's cellular, long distance and internet services.

**SECTION 5. EFFECTIVE DATE**

This Order shall be effective immediately upon the placing of my signature hereon.

DATED: September 29, 2006.



TOGIOLA T.A. TULAFONO  
Governor of the United States Territory  
Of American Samoa  
Telecommunications Regulatory Commissioner



## OFFICE OF THE GOVERNOR

American Samoa Government  
Pago Pago, American Samoa 96799

TAUFESE P.F. SUNIA,  
Governor

TOGIOLA T.A. TULAFONO,  
Lt. Governor

Telephone: (684) 6111  
Fax: (684) 6112

EXECUTIVE ORDER NO. 13 1997

### DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIER

#### Section 1: Authority

This Executive Order is issued under the authority granted in Article IV, Section 6 of the American Samoa Revised Constitution, Title 4, Chapter 01, Section 0111(b) of the American Samoa Code, and sections 3, 214, and 254 of the Federal Communications Act of 1934, as amended (the "Communications Act").

#### Section 2: Purpose

Sections 3 and 214 of the Communications Act authorize the commission or official with regulatory jurisdiction over communications carriers in each State and Territory to designate certain common carriers as "eligible telecommunications carriers" for purposes of receiving federal universal service support. 47 U.S.C. §§153 (40) (41), 214 (e) (2). In the absence of a telecommunications regulatory commission, the Governor is the official of the American Samoa Government with regulatory jurisdiction over telecommunications carriers.

#### Section 3: Findings

I find that the American Samoa Office of Communications ("ASOC") meets the qualifications for an "eligible telecommunications carrier" as defined in section 214 of the Communications Act. 47 U.S.C. §214 (e) (1). In particular, I find that:

- (a) ASOC is a "common carrier" as defined in section 3 of the Communications act. 47 U.S.C. §153 (10);

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Eligible Telecommunications Carrier  
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- (b) ASOC offers the services that are supported by federal universal support mechanisms in accordance with section 214 of the Communications Act (47 U.S.C. §214 (3) (A) and as specified in section 54.101 of the pertinent regulations of the Federal Communications Commission (47 C.F.R. §54.101);
- (c) ASOC advertises the availability of such services and the charges therefore using media of general distribution in accordance with section 214 of the Communications Act. 47 U.S.C. §214 (d) (1) (B); and
- (d) Designation of ASOC as an "eligible telecommunications carrier" for the receipt of federal universal service support will serve the public interest.

**Section 4: Designation**

The American Samoa Office of Communications is hereby designated as an "eligible telecommunications carrier" under section 214 of the Communications Act for the receipt of federal universal service support.

**Section 5: Effective Date**

This Executive Order shall be effective immediately upon signing.

Dated: 12-1-97

  
**TAUFESE P.F. SUNIA**  
Governor of American Samoa

**Distribution:**

**As per standard list**

RECEIVED

JUN 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**OFFICE OF THE GOVERNOR**  
American Samoa Government  
Pago Pago, American Samoa 96799

TAUFIKE P.P. SUNIA,  
GOV/OT/CRTOGIOLA T.A. TULAFONO,  
LI. GOV/OT/CRTelephone: (684) 633-4116  
Fax: (684) 633-4267

**EXECUTIVE ORDER NO. 11-1998**  
**CLARIFYING EXECUTIVE ORDER NO. 13-1997**

**Section 1: Authority**

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution, Title 4 ASCA Section 4.0111(b) and Sections 3, 214 and 254 of the Federal Communications Act of 1934, hereafter the *Communications Act*, as amended.

**Section 2: Purpose**

Executive Order No. 13-1997 designated the former American Samoa Office of Communications [ASOC] as an eligible telecommunications carrier pursuant Section 214 of the Communications Act for the receipt of federal universal service support. Executive Order No. 2-1998 transferred all functions of ASOC to the American Samoa Telecommunications Authority [ASTCA]. It is the purpose of this Executive Order to clarify that in addition to the transfer of functions Executive Order No. 2-1998 transferred all the powers and responsibilities of ASOC to ASTCA as respects the designation of ASOC as an eligible telecommunications carrier pursuant Section 214 of the Communications Act for the receipt of federal universal service support.

**Section 3: Findings**

All of the findings made with respect to ASOC in Executive Order No. 13-1997 are hereby made with respect to ASTCA.

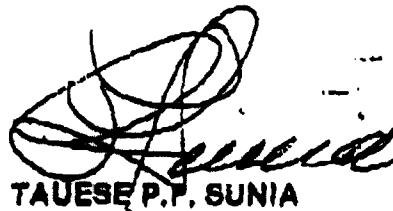
**Section 4: Designation**

ASTCA is hereby designated as an eligible telecommunications carrier pursuant Section 214 of the Communications Act for the receipt of federal universal service support.

**Section 5: Effective Date**

The effective date of this Executive Order shall be January 9, 1998. It shall remain in effect until it is amended by another Executive order or by statute.

DATED: April 20, 1998.



A handwritten signature in black ink, appearing to read "TAUVESE P.P. SUNIA". The signature is written in a cursive style with some loops and variations in letter height.

**Distribution:**

As per standard list.